

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

DISPLAY PACK, INC.,  
a Michigan corporation,

Case No.

Plaintiff,

Hon.

v.

WIMO LABS, LLC,  
an Illinois limited liability company,

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

Defendant.

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Douglas A. Dozeman (P35781)  
Kevin G. Dougherty (P44207)  
WARNER NORCROSS & JUDD LLP  
900 Fifth Third Center  
111 Lyon NW  
Grand Rapids, MI 49503  
Telephone: (616) 752-2000  
Fax: (616) 222-2500  
ddozeman@wnj.com  
kdougherty@wnj.com  
*Attorneys for Plaintiff Display Pack, Inc.*

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Plaintiff Display Pack, Inc. states its Complaint against Defendant WIMO Labs, LLC, as follows:

**The Parties**

1. Plaintiff Display Pack, Inc. (“Display Pack”) is a Michigan corporation having its principal place of business in Grand Rapids, Michigan. Display Pack is a manufacturer and seller of, among other things, display packaging for a variety of products.

2. Defendant WIMO Labs, LLC (“WIMO”) is an Illinois limited liability company with a principal place of business in Chicago, Illinois. WIMO is a seller of, among other things, protective cases for cell phones such as its “Lunatik Extreme” case for iPhones.

**Jurisdiction and Venue**

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws of the United States.

5. Upon information and belief, WIMO makes, sells, and offers for sale protective cases for cell phones throughout the United States and has systematic and continuous dealings within this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400.

**Allegations and Claim for Relief**

7. For many years, Display Pack has continuously engaged in the development, manufacture, and sale of a wide variety of products used for packaging, including display packaging. As a result, Display Pack has become one of the leading sources of display packaging products. The product at issue in this litigation is packaging used by WIMO for distributing its products.

8. Display Pack has taken steps over the years to protect its innovative products, including composite packaging products. In particular, Display Pack is and has been the sole owner by assignment of all right, title, and interest to United States Patent 8,381,908 B2, titled “Composite Foldable Package” issued February 26, 2013 (hereinafter referred to as “the ‘908 Patent”) (**Exhibit 1**).

9. Display Pack is entitled to sue for past, present, and future infringement of the ‘908 Patent.

10. WIMO is in the business of manufacturing or having manufactured, offering to sell, selling or importing into the United States protective cases for cell phones, including the Lunatik Extreme case for iPhones.

11. WIMO has, without authority or license from Display Pack, made, used, offered to sell, sold or imported into the United States packaging for its products that infringe the '908 Patent. The infringing packaging includes, but is not limited to, the packaging used for the Lunatik Extreme for iPhones ("the Lunatik Extreme").

**COUNT I - Infringement of the '908 Patent by WIMO**

12. Display Pack incorporates by reference all preceding paragraphs.

13. WIMO has been and still is making, using, offering to sell, selling or importing into the United States reclosable packaging, including, but not limited to the Lunatik Extreme Packaging, that infringes the '908 Patent in violation of 35 U.S.C. § 271(a).

14. WIMO has been and still is actively inducing others to infringe the '908 Patent in violation of 35 U.S.C. § 271(b).

15. WIMO's continued infringement of the '908 Patent has damaged and will continue to damage Display Pack.

16. By reason of WIMO's infringement of the '908 Patent, Display Pack has been irreparably harmed, and unless and until WIMO is enjoined by this Court, Display Pack will continue to suffer irreparable damage and injury for which it has no adequate remedy at law.

**WHEREFORE**, Display Pack respectfully requests the following relief:

A. Judgment that WIMO has infringed and actively induced others to infringe the '908 Patent;

B. A permanent injunction enjoining WIMO, its officers, employees, agents, and all others acting in concert with it or participating with it from further infringement and/or inducement of infringement of the '908 Patent;

C. An award of damages adequate to compensate Display Pack for WIMO's infringement, but in no event less than a reasonable royalty under 35 U.S.C. § 284;

D. Enter an order awarding Display Pack interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;

E. Enter an order finding that this is an exceptional case and award Display Pack its reasonable costs, expenses, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and,

F. Award such other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

Display Pack demands a trial by jury.

Dated: May 1, 2013

/s/ Kevin G. Dougherty

Douglas A. Dozeman (P35781)

Kevin G. Dougherty (P44207)

WARNER NORCROSS & JUDD LLP

900 Fifth Third Center

111 Lyon NW

Grand Rapids, MI 49503

Telephone: (616) 752-2000

Fax: (616) 222-2736

[ddozeman@wnj.com](mailto:ddozeman@wnj.com)

[kdougherty@wnj.com](mailto:kdougherty@wnj.com)

*Attorneys for Plaintiff Display Pack, Inc.*

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